

### **REMARKS**

Claims 2-23 are currently pending in the application, as amended. Claim 7 has been amended to include the allowable subject matter of canceled claim 24 and claim 24 has been canceled. Claims 2-4, 7, 8, 10, 14-16, 20 and 21 have been amended to replace the phrases, “drive assembly” and “driving section” with the phrase, “motor assembly”, the phrase, “speed reducer” with the phrase, “speed-reducer” and the phrase, “actuator device” with the phrase, “actuating device” such that the phrases “motor assembly”, “speed-reducer” and “actuating device” are consistently utilized throughout the claims. Support for these amendments can be found in the last paragraph on page 4, the first full paragraph on page 5, the last paragraph on page 7, the first full and last paragraphs on page 8, the two paragraphs on page 9, the first paragraph on page 10 and the last paragraph on page 11 of the original specification, as well as in the original claims. Claim 13 has been amended to correct an antecedent basis error and claim 21 has been amended to correct its dependency from claim 10 to claim 20. Accordingly, no new matter has been added.

### **SPECIFICATION**

The Examiner objected to the specification under 37 C.F.R. § 1.75(d)(1) for failing to provide proper antecedent basis for the phrases, “driving section” and “drive assembly”. The phrases, “driving section” and “drive assembly” have been canceled throughout the pending claims and have been replaced by phrase, “motor assembly”. The phrase, “motor assembly” appeared in the original specification in the last paragraph on page 4 and the first full paragraph on page 5.

Based upon these amendments to the claims, Applicants respectfully submit that the specification is in full compliance with 37 C.F.R. § 1.75(d)(1) and respectfully request that the Examiner reconsider and withdraw the above-identified objection to the specification.

## **CLAIMS**

### **Claim Rejections - 35 U.S.C. § 112**

The Examiner rejected claims 2-24 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter that the Applicants regard as the invention. Specifically, the Examiner notes that it is unclear how the Applicants are using the phrases, “driving section” and “drive assembly” in claim 7 when these phrases are not found in the specification. In addition, the Examiner notes that it is unclear how the Applicants consider the driving section and speed-reducer as mounted in the machine room as is recited in claims 7 and 8.

Claim 24 has been canceled rendering the rejection of this claim moot.

Applicants amended claims 2-4, 7, 8, 10, 14, 15, 20 and 21 to cancel the phrases, “driving section” and “drive assembly” and replaced these phrases with the phrase, “motor assembly”. Support for the phrase, “motor assembly” is found in the last paragraph on page 4 and the first full paragraph on page 5 of the original specification. In addition, Applicants have amended claim 7 to cancel the phrases, “having a drive assembly and a speed-reducer” and “driving section having said speed-reducer” and have specifically pointed out that the motor assembly is mounted in the machine room so that the sheave is projected into the elevator passage. Support for these amendments can be found in the last paragraph on page 4 and the first full paragraph on page 5 of the original specification and throughout the figures.

In view of the above-listed amendments to the claims, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claims 2-23 under 35 U.S.C. § 112.

### **Claim Rejections - 35 U.S.C. § 103**

The Examiner rejected claims 2, 3, 5-7, 13-15, 19, 20, 22 and 23 under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 11-79627 (“JP-627”) in view of Japanese Patent No. 8-40675 (“JP-675”). Applicants respectfully traverse this rejection with respect to amended claim 7.

Claim 7 has been amended to include the allowable subject matter of canceled claim 24, rendering the above-listed rejection of amended claim 7 moot. Claims 2, 3, 5, 6, 13-15, 19, 20, 22 and 23 are each dependent upon amended claim 7. Accordingly, Applicants respectfully submit that amended claim 7 is patentable over the above-listed rejection because it includes the allowable subject matter of canceled claim 24. In addition, Applicants respectfully submit that claims 2, 3, 5, 6, 13-15, 19, 20, and 22 are patentable over the same rejection based upon their dependence on amended claim 7.

The Examiner also rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over JP-627 in view of JP-675 and further in view of U.S. Patent No. 5,469,937 (Hakala). Applicants respectfully traverse this rejection.

Claim 4 is dependent upon amended claim 7, which includes the allowable subject matter of canceled claim 24. Accordingly, Applicants respectfully submit that claim 4 is patentable over the above-listed rejection based upon its dependence on amended claim 7.

The Examiner further rejected claims 2-23 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-7 of U.S. Patent No. 6,520,483 (Miyoshi *et al.*) in view of JP-675. Applicants respectfully traverse this rejection.

Claims 2-6 and 8-23 are dependent upon amended claim 7. Amended claim 7 includes the allowable subject matter of canceled claim 24. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of amended claim 7 as including the allowable subject matter of canceled claim 24. In addition, Applicants respectfully request that the Examiner reconsider and withdraw any rejection of claims 2-6 and 8-23 based upon their dependence on amended claim 7.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner indicated that claim 24 would be allowable if rewritten into independent form including all the limitations of claim 7 and rewritten to overcome the rejections under 35 U.S.C. § 112. As was described above, claim 7 has been amended to include the allowable subject matter of claim 24 and to overcome the indefiniteness rejection under

35 U.S.C. § 112. Applicants thank the Examiner for indicating that claim 24 includes allowable subject matter.

The Examiner also indicated that claims 8-12, 16-18 and 21 would be allowable if rewritten into independent form including all the limitations of claim 7 and any intervening claims, submission of a terminal disclaimer and rewritten to overcome the rejections under 35 U.S.C. § 112. Applicants thank the Examiner for indicating that claims 8-12, 16-18 and 21 include allowable subject matter. However, as was described above, claims 8-12, 16-18 and 21 are dependent upon amended claim 7, which includes the allowable subject matter of canceled claim 24.

**CONCLUSION**

In view of the foregoing Amendment and remarks, Applicants respectfully submit that the present application, including claims 2-23, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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